

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT	CASE NUMBER FD-2023-00740
<p>SUMMARY: The Applicant was discharged on 20 October 2015 in accordance with Air Force Instruction 36-3208, Administrative Separation of Airmen, with an Entry Level Separation for Failing Medical/Physical Procurement Standards. The Applicant appealed for an upgrade of his discharge characterization, a change to his discharge narrative reason, and a change to his reentry code.</p> <p>The applicant requested the Board be completed based on a records only review. The Board was conducted on 13 June 2024. The Applicant was not represented by counsel.</p> <p>The attached examiner’s brief (provided to Applicant only), extracted from available service records, contains pertinent data regarding the circumstances and character of the Applicant’s military service.</p> <p>DISCUSSION: The Discharge Review Board (DRB), under its responsibility to examine the propriety and equity of an applicant’s discharge, is authorized to change the characterization of service and the narrative reason for discharge if such changes are warranted. If applicable, the Board can also change the applicant’s reentry code. In reviewing discharges, the Board presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence to rebut the presumption, to include evidence submitted by the applicant. The Board completed a thorough review of the circumstances that led to the discharge and the discharge process to determine if the discharge met the pertinent standards of equity and propriety.</p> <p>The Applicant’s record of service included no misconduct.</p> <p>The documentary evidence the Board considered as part of the review includes, but is not limited to the DD Form 293, <i>Application for the Review of Discharge from the Armed Forces of the United States</i>, and any additional documentation submitted by Applicant and/or counsel; the Applicant’s personnel file from the Automated Records Management System (ARMS); and the DRB Brief detailing the Applicant's service information and a summary of the case.</p> <p>The Applicant asserted that he was discharged after a recurring cyst worsened during basic training. He eventually completed basic training but was still separated while in entry level status due to his medical condition. The Applicant requested an upgrade of his separation code to JFL (disability, severance pay) or JFQ (disability, aggravation), arguing that these better reflect the nature of his medical separation. He also specifically requested an upgrade of his reentry code from 4C (separated for failure to meet physical standards for enlistment) to 2C (involuntarily separated with an honorable or entry level separation).</p> <p>The Applicant submitted a military award authorization, a copy of his National Defense Service Medal, and a medical record showing that his cyst existed shortly after separation.</p> <p>Because the Applicant claimed that an error existed at the time of his discharge, the Board considered his claims under its propriety standards. These standards are found in DODI 1332.28, <i>Discharge Review Board (DRB) Procedures and Standards</i>, at paragraph E.4.2.1.</p> <p>When considering a propriety claim, the Board is required to deem a discharge proper unless it determines that “[a]n error of fact, law, procedure, or discretion exists associated with the discharge at the time of issuance; and that the rights of the Applicant were prejudiced thereby (such error shall constitute prejudicial error if there is substantial doubt that the discharge would have remained the same if the error had not been made).” DODI 1332.28, paragraph E4.2.1.1.</p>	

Regarding the Applicant's discharge characterization, the Board noted the Applicant was discharged while still in entry level status. An honorable characterization would violate DAFI 36-3211, *Military Separations*, which states that airmen are in entry level status during the first 365 days of continuous active military service. If a separation action is initiated during this time, entry level status airmen must receive an entry level separation without service characterization unless the Secretary of the Air Force determines that an "Honorable" characterization is clearly warranted "by unusual circumstances of personal conduct and performance of military duty." DAFI 36-3211 at page 57 (paragraph 3.16.1.2). The Applicant presented no evidence of such unusual circumstances. Therefore the Board determined that Applicant failed to present "substantial, credible evidence" (DODI 1332.28, E3.2.12.6) showing an impropriety regarding his characterization.

Regarding the Applicant's separation code request, the Applicant desired a code of JFL ("service initiated discharge...resulting from physical disability with entitlement to severance pay") or JFQ ("service initiated discharge...when aggravation of former disability for which previously separated"). However, the Applicant presented no reason his current code was an error, let alone why it is "prejudicial" compared to the others he requests. Again, the Board determined that the Applicant failed to present substantial, credible evidence of an impropriety.

Finally, regarding the reentry code, the Applicant currently has a 4C, which bars reenlistment due to his failure to meet physical standards for enlistment. DAFI 36-2606, *Reenlistment and Extension of Enlistment*. He requested a 2C code. However, the Applicant did not present evidence that his current 4C code is an error. The Applicant was, in fact, discharged for failing to meet physical standards, and so the Board determined that there was no error and no impropriety.

The Board notes that the Applicant only argued that his discharge was improper at the time of issuance. He presented no evidence that his condition has since resolved. Such evidence would be relevant to a claim that "relief is warranted based upon consideration of...other evidence presented to the DRB...even though the discharge was determined to have been otherwise equitable and proper at the time of issuance." DODI 1332.28 E4.3.3.

FINDING: The DRB voted unanimously to *deny* the Applicant's request to upgrade his discharge characterization, to change the discharge narrative reason, and to change the reentry code.

Should the Applicant wish to appeal this decision, the Applicant must request a personal appearance before this Board before applying for relief to the Air Force Board for Correction of Military Records (AFBCMR). In accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*, all Applicants before the AFBCMR must first exhaust available administrative avenues of relief before applying to the AFBCMR, otherwise their AFBCMR case will be administratively closed until such time that the Applicant avails themselves of the available avenue of relief. Therefore, should the Applicant wish to appeal this decision, they must first exercise their right to make a personal appearance before the AFDRB.

CONCLUSION: After a thorough review of the available evidence, to include the Applicant's issues, summary of service, service/medical record entries, and discharge process, the Board found the discharge was proper and equitable. Therefore, the awarded characterization of service shall remain "Uncharacterized," the narrative reason for separation shall remain "Failed Medical/Physical Procurement Standards," and the reentry code shall remain "4C." The Air Force DRB (AFDRB) results were approved by the Presiding Officer on 3 July 2024. If desired, the Applicant can request a list of the Board members and their votes by writing to:

Air Force Review Boards Agency
Attn: Discharge Review Board

3351 Celmers Lane
Joint Base Andrews, NAF Washington, MD 20762-6602

Instructions on how to appeal an AFDRB decision can be found at
<https://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)

